

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

MASSACHUSETTS FAIR HOUSING
CENTER,

HOUSING WORKS, INC.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,

BEN CARSON, Secretary of the U.S.
Department of Housing and Urban
Development,

Defendants.

No. 3:20-cv-11765-MGM

The Hon. Mark G. Mastroianni

**DEFENDANTS' THIRD UNOPPOSED MOTION TO
EXTEND TIME TO RESPOND TO PLAINTIFFS' COMPLAINT**

Pursuant to Fed. Rule Civ. P. 7(a) and L.R. 7.1, Defendants move unopposed for a 30-day extension of time to respond to Plaintiffs' Complaint. In support of this motion, Defendants state as follows:

1. Plaintiffs served their Summons and Complaint on the U.S. Attorney for the District of Massachusetts on October 1, 2020. *See* Summons & Compl., ECF No. 1. Defendants' current deadline to respond to Plaintiffs' Complaint is January 15, 2021. *See* Order, ECF No. 36.

2. Plaintiffs challenge Defendants issuance of a final rule and have sought a stay of the effective date of that rule pursuant to 5 U.S.C. § 705. *See* U.S. Dep't of Hous. & Urban Devel. ("HUD"), HUD's Implementation of the Fair Housing Act's Disparate Impact Standard ("Final Rule"), 85 Fed. Reg. 60288 (Sept. 24, 2020); Pls.' Mot. for Prelim. Inj. Under 5 U.S.C. § 705 to Postpone Effective Date of HUD's Final Rule ("Pls.' Stay Mot."); ECF No. 11.

3. On October 25, 2020, this Court issued an order granting Plaintiffs' Stay Motion and staying the effective date of the Final Rule. *See* Order, ECF No. 29. On December 23, 2020, Defendants filed a notice of appeal of this Court's Order. *See* Defs.' Not. of Appeal, ECF No. 33.

4. In light of the current posture of this case, Defendants have determined that it would be premature to respond Plaintiffs' Complaint at this time. Accordingly, Defendants seek a 30-day extension of time to respond to Plaintiffs' Complaint. This is Defendants' third extension motion for this response date.

5. Defendants conferred with Plaintiffs about this motion pursuant to L.R. 7.1(a)(2). Plaintiffs do not oppose this motion.

CONCLUSION

For good cause shown herein, this Court should grant Defendants' unopposed motion to extend their time to respond to Plaintiffs' Complaint by 30 days. A proposed order is attached.

Dated: January 12, 2021

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

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Assistant Branch Director

s/ James D. Todd, Jr.
JAMES D. TODD, JR.
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L.R. 7.1(a)(2) CERTIFICATE OF CONFERENCE

Pursuant to L.R. 7.1(a)(2), Defendants conferred with Plaintiffs about this motion. Plaintiffs do not oppose this motion.

s/ James D. Todd Jr.
JAMES D. TODD, JR.

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b)(2)(E), Defendants effected service of this filing on all other parties to these actions by filing it with the Court's electronic filing system.

s/ James D. Todd Jr.
JAMES D. TODD, JR.